BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.08.2022
CORAM
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM
CRL.O.P (MD) No.15032 of 2022
1. Satham Hussain,

2. Veerapandiynan,

3. Mohammed Haniffa,

4. Rahul @ Rahul Kumar,
: Petitioners

Vs

1.The State represented by
The Inspector of Police,
Ariyamangalam Police Station,
Ariyamangalam, Trichy City.
(Crime No.767/2022)

2. Kathiravan,
: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned FIR in Crime No.767/2022 on the file of the first respondent police and quash the same.

For Petitioners : Mr.Veerakumar T,
For R1 : Mr.A.Albert James,
Government Advocate
(Crl.Side)
For R2 : Mr.M.Arumugam

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.767/2022 on the file of the first respondent police.

2.The case of the prosecution is that due to wordy quarrel between the petitioner and the second respondent, the accused persons assaulted the second respondent. Hence the complaint.

3.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by

their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.K.Baskaran, SSI of Police, Ariyamangalam Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 341, 294(b), 323, 324, 506(ii) IPC.

6.The legal position expressed by the Hon-ble Apex Court in the case of Gian Singh vs. State of Panjab and another reported in (2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath) reported in (2017)9 SCC 641 were taken into consideration.

7.In the light of the guidelines issued in the above said Judgments of the Hon-ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.767/2022 on the file of the first respondent police, even though, the offences involved are not compoundable in nature.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.767/2022 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

23.08.2022
Internet:Yes./No
Index:Yes/no
lr

To
1.The Inspector of Police,
Ariyamangalam Police Station,
Ariyamangalam, Trichy City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

V.SIVAGNANAM, J.

lr

ORDER IN
CRL.O.P (MD) No.15032 of 2022

23.08.2022